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C O N F I D E N T I A L MADRID 002955

SIPDIS

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TAGS: PREL IS SP ICJ UNGA

SUBJECT: SPANISH POSITION ON UNSC AND ICJ ADVISORY OPINION
ON ISRAELI SECURITY BARRIER

REF: STATE 166143

Classified By: Political Counselor Kathleen Fitzpatrick for reasons 1.4
(b) and (d).

¶1. (C) We delivered reftel demarche to Juan Manuel Gonzalez de Linares, MFA Deputy Director General of UN Affairs, on August 2. Gonzalez de Linares stated that Spain will wait and see what the General Assembly presents to the Security Council before taking a definitive position, adding that, as always, Spain will try to tone down any aggressive language and balance any text that is presented. He said that GOS generally favors the US legalistic argument that the ICJ advisory opinion is non-binding and that the GOS would have problems with using the Security Council to make the advisory opinion binding. He questioned how the Security Council could discuss implementing coercive measures or imposing sanctions for an opinion that is legally non-binding. He is aware that the Arab Group of the General Assembly has talked of referring the ICJ advisory opinion to the Security Council. He had heard initially that they might take action in September 2004. Later, he heard that the Arab Group was going to wait until after the results of the US elections.

¶2. (C) Gonzales de Linares offered a personal opinion that he said was shared by many in the MFA that Spain would prefer to focus on Iraq and Sudan during their one-month Presidency of the Security Council in September 2004. He believes that the Israeli-Palestinian security barrier issue could detract from other important UN issues. He noted that the Security Council had already voted in 2003 on this very issue.

MANZANARES